



OFFICERS

President

Lisa A. Bartlett
Orange County

1st Vice President

James Gore
Sonoma County

2nd Vice President

Ed Valenzuela
Siskiyou County

Past President

Virginia Bass
Humboldt County



EXECUTIVE DIRECTOR

Graham Knaus

August 6, 2020

Fair Political Practices Commission
Attn: Law and Policy Committee
1102 Q Street, Ste. 3000
Sacramento, CA 95811

BY EMAIL

Re: Amendments to Regulations Governing Enforcement Processes

To the Law and Policy Committee:

This letter is submitted on behalf of the California State Association of Counties (CSAC) to oppose the Proposed Amendments to Enforcement Regulations, released June 8, 2020. The proposed amendments would significantly curtail the rights of Respondents in Commission proceedings and force those accused to face a public hearing if probable cause is found, even if there is exculpatory or mitigating evidence available.

Specifically, CSAC opposes the proposed amendments to Regulation 18361.4 – Probable Cause Proceedings that would 1) eliminate the right of Respondents to receive exculpatory and mitigating information at Probable Cause hearings, 2) eliminate the right of Respondents to object to any discovery violations by the Commission at Probable Cause hearings, 3) allow the Commission to provide evidence after a Probable Cause hearing with no right to respond, and, 4) eliminate the right to an oral argument before the Commission for cases that go to Administrative Hearings.

Moreover, the due process regulations in question were adopted in 2011 and went through a gradual development, which included gathering input through interested persons meetings. Now, staff is proposing to eliminate these regulations and bypass the developmental process. It is especially crucial to allow enough time for feedback and participation as counties are faced with continued challenges from the COVID-19 pandemic. County Boards of Supervisors and other public officials have not been provided adequate time to consider and weigh in on the proposed amendments. It is also important to note that as a result of the pandemic, other judicial and administrative bodies are giving parties additional time to resolve matters.

We appreciate staff's efforts to resolve administrative cases in a timely manner, but considerably restricting the administrative due process rights of Respondents is not the way to accomplish this goal. We would welcome the opportunity to work with staff to develop regulatory language that could accomplish both goals. CSAC plans to file a formal comment letter before the Commission's August 20, 2020 meeting to discuss the proposed amendments. Thank you for the opportunity to provide comment on this important issue.

Sincerely,

A handwritten signature in black ink, reading "Laura E. Hirahara". The signature is written in a cursive style with a large, looping initial "L".

Laura E. Hirahara
Associate Counsel
California State Association of Counties